

REMARKS

Claims 1-9, 11-13, 16-25 and 27-35 have been examined and have been rejected under 35 U.S.C. § 103(a).

I. Rejections under 35 U.S.C. § 103(a)

Claims 1-9, 11-13, 16-25 and 27-35 have been rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 6,030,074 to Barinaga (“Barinaga”) in view of JP 07052399 to Harada (“Harada”), JP 59204566A to Yamazaki et al. (“Yamazaki”) and U.S. Patent No. 5,666,146 to Mochizuki et al. (“Mochizuki”).

A. Claim 1

Applicant submits that claim 1 is patentable over the cited references. For example, claim 1 recites that a contact prevention member is separated from an entire inner edge of a heat-welded edge of an ink pack.

The Examiner acknowledges that Barinaga fails to teach or disclose the above feature, but contends that Yamazaki does. However, for similar reasons as presented in the October 14, 2003 Amendment, from which the Examiner previously allowed the Application, Applicant submits that Yamazaki fails to teach or suggest that wall parts 3 are entirely separate from an inner-most edge of ink pack 1. For example, as shown in Fig. 3 of Yamazaki, a portion of wall parts 3 contact an inner-most edge of outer seal portion 1c. Therefore, assuming outer seal 1c is heat welded, the wall parts 3 are not entirely separated from the inner-most edge, as required by claim 1.

Applicant submits that the newly cited Harada reference also fails to cure the above deficient teachings of Barinaga. For example, the Examiner maintains that the ink bag 88 discloses the claimed ink pack, and the negative pressure plates 89 disclose the claimed contact prevention member (Fig. 11). However, the negative pressure plates 89 work together with the negative pressure spring 87, as shown in Fig. 11, as well as disclosed in para. [0011] of Harada. Therefore, it appears that the Examiner is attempting to pick and choose from the Harada reference only so much as will support a given position to the exclusion of other parts necessary to a full appreciation of what such reference fairly suggests to one skilled in the art.

Nevertheless, even if Applicant assumes *arguendo* that the pressure plates 89, alone, form a type of contact prevention member, the reference fails to teach or suggest that the plates are entirely separated from an innermost edge of the alleged ink pack 88 (i.e. the figures only show cross-sectional views of the alleged ink pack 88, and the disclosure of the reference is silent as to such a feature). Therefore, such features fail to cure the deficient teachings of Yamazaki and Barinaga, as set forth above.

In addition to Applicant's comments above, Applicant submits that there is no motivation for combining Harada and Barinaga. For example, Harada uses a negative pressure generating system constituted by the two negative pressure plates 89 and the compression negative spring 87, which is installed within the ink bag 88 (para. [0011]). In such an arrangement, the ink bag 88 receives an outwardly directed force from the negative pressure generating system. In contrast, Barinaga uses an ink supply system in which pressurized air is introduced through a gas conduit 56 into an internal space defined between a container housing 10 and an ink bag 13 (Fig.

1). The ink bag 13 of Barinaga receives an inwardly directed force by the action of the pressurized air introduced to the internal space. Accordingly, the alleged combination of Barinaga and Harada would teach away from the intended function or teachings of Barinaga. Therefore, Applicant submits that one skilled in the art would not be motivated to combine the two references in the manner set forth by the Examiner.

Applicant further submits that Mochizuki fails to cure the deficient teachings of Barinaga, Yamazaki and Harada.

Accordingly, Applicant submits that claim 1 is patentable over the cited references, and respectfully requests the Examiner to withdraw the rejection.

B. Claims 2-5

Since claims 2-5 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

C. Claim 6

Since claim 6 contains features that are analogous to the features recited in claim 1, Applicant submits that such claim is patentable for at least analogous reasons as presented above.

D. Claim 7

Since claim 7 is dependent upon claim 1, Applicants submit that claim 7 is patentable at least by virtue of its dependency.

E. Claim 8

Applicants submit that claim 8 is patentable over the cited references. For example, claim 8 recites that an ink flow passage is disposed at a location that is entirely separate from an inner-most edge of a heat-welded edge of an ink pack. Claim 8 further discloses an ink outlet plug member.

As an initial matter, Applicant notes that the Examiner previously allowed claim 8 (i.e., October 31, 2003 Notice of Allowance). Since the Examiner has not provided any additional comments regarding the Mochizuki reference, Applicant again submits the following comments.

In particular, on page 4 of the Office Action, the Examiner maintains that outlet piece 2 of Mochizuki discloses the claimed ink flow passage (Fig. 1). However, during the August 12, 2003 Examiner Interview, the undersigned explained to the Examiner that the claimed ink flow passage was not intended to disclose an “ink outlet” (i.e. outlet piece 2 of Mochizuki). Accordingly, the Examiner suggested that such claim be amended to include an ink outlet plug, so that it is clear to the Examiner that the claimed ink flow passage is not intended to be an ink outlet plug (i.e. outlet piece 2 of Mochizuki). Therefore, in light of the previous amendment to claim 8, Applicant submits that outlet piece 2 of Mochizuki fails to teach or disclose the claimed ink flow passage.

Applicant further submits that Yamazaki fails to disclose the claimed ink flow passage, which is entirely separated from an inner-most edge of a heat-welded edge of an ink pack, for analogous reasons as presented above in claim 1.

Also, since the Examiner has failed to indicate where Harada discloses the above features, and the Applicant further submits that Harada fails to cure the above noted deficient teachings of Mochizuki and Yamazaki, Applicant submits that claim 8 is patentable over the cited references, and respectfully requests the Examiner to withdraw the rejection.

If the Examiner continues to reject claim 8, Applicant respectfully requests the Examiner to provide a specific response to the above comments.

F. Claim 9

Since claim 9 contains features which are analogous to the features disclosed in claim 8, Applicants submit that claim 9 is patentable over the cited references for at least analogous reasons as presented above.

G. Claim 11

Since claim 11 is dependent on claim 8 or 9, Applicants submit that such claim is patentable at least by virtue of its dependency.

H. Claims 12 and 13

Since claims 12 and 13 contain features which are analogous to the features recited in claim 8, Applicants submit that claims 12 and 13 are patentable for at least analogous reasons as presented above. For example, the ink flow passages and outlet port disclosed in claims 12 and 13 are analogous to the ink flow passage and outlet plug member recited in claim 8.

I. Claim 16

Since claims 16 contains features which are analogous to the features recited in claim 1, Applicants submit that claim 16 is patentable for at least analogous reasons as presented above.

J. Claim 18

Sine claim 18 contains features that are analogous to the features recited in claim 8, Applicants submit that claim 18 is patentable for at least analogous reasons as claim 8.

K. Claims 17 and 19-24

Since claims 17 and 19-24 are dependent upon claim 16, Applicants submit that such claims are patentable at least by virtue of their dependency.

L. Claim 25

Since claim 25 is dependent upon claim 8, Applicants submit that such claim is patentable at least by virtue of its dependency.

M. Claims 27 and 28

Since claims 27 and 28 are dependent upon claim 1, Applicants submit that such claims are patentable at least by virtue of their dependency.

N. Claim 29

Since claim 29 contains features which are analogous to the features recited in claim 1, Applicant submits that claim 29 is patentable over the cited references for at least analogous reasons as presented above in claim 1.

O. Claim 30

Applicants submit that claim 30 is patentable at least by virtue of its dependency upon claim 29.

P. Claim 31

Since claim 31 contains features which are analogous to the features recited in claim 8, Applicants submit that claim 31 is patentable for at least reasons analogous to those presented above. For example, the integral portion and plug member disclosed in claim 31 is analogous to the ink flow passage and outlet plug member recited in claim 8.

Q. Claim 32

Since claim 32 is dependent upon claim 1, Applicant submits that claim 32 is patentable at least by virtue of its dependency.

R. Claim 33

Since claim 33 contains features that are analogous to the features recited in claim 1, Applicant submits that claim 33 is patentable over the cited references for at least analogous reasons as presented above.

S. Claim 34

Since claim 34 is dependent upon claim 31, Applicant submits that such claim is patentable at least by virtue of its dependency.

T. Claim 35

Since claim 35 contains features that are analogous to the features recited in claim 1, Applicant submits that such claim is patentable at least for reasons analogous to those presented above.

III. Conclusion

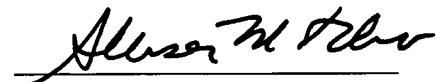
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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